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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,097	01/29/2002	James Friskel	200400110-1	1197

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FORT COLLINS, CO 80527-2400

EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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04/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/058,097	Applicant(s) FRISKEL, JAMES	
	Examiner Ba Huynh	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/08 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33, 39, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 33, line 1, the phrase “the group” lacks clear antecedent basis. The same problem is found in claims 39 and 45.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2179

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application 2002/0070978 (Wishoff et al), further in view of US patent 6,292,185 (Ko et al).

- As for claims 29, 35, 41: Wishoff et al (hereinafter Wishoff) teach a method and corresponding system for creating and modifying a graphical user interface using a graphic file (graphical object selected from a library of graphical elements, 0114) and configuration file (0115) pair, comprising:
 - accessing the graphic file (0114), wherein the graphic file comprises the full extent and external boundary of the graphical user interface (each graphic object is defined by a boundary),
 - accessing the configuration file (0115, 0121), the configuration file comprises header information, style points and activation region definitions (Appendix A),
 - modifying data in the graphic file and configuration file pair to effect the creation and modification of the GUI (0123).
- Wishoff's teaching of OLE, Activex, COM (0026) appears to inherently include the implementation of importing DLL files into a process running on a computer system and the initiation of a recursive use of respective graphic files and configuration file pairs. Even if it is not, implementation of importing DLL files into a process running on a computer system and the initiation of a recursive use of the files is disclosed by Ko et al (Ko's 5:22-25, 7:10-17). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ko's teaching of implementation

- of DLL to activation region definition for importing DLL files into a process running on a computer system and the initiation of a recursive use of the files respective graphic files and configuration file pairs. Motivation of the combining is for the well known advantages of conserving memory until being used, easy program maintenance, and recursive usage.
- As for claims 30, 36, 42: The activation of a GUI element points to the corresponding files corresponding a second image of the GUI element wherein the second image is defined in another computer file (see appendix A).
 - As for claims 32, 38, 44: The configuration file is read for processing the graphic file (0011, 0012, 0067, 0115).
 - As for claims 34, 40, 46: The state of the GUI is selected from a group consisting default state, selected state, and activated state (appendix A, page 13, See the teaching of menu button including upimage, downimage, rolloverimage).
 - As for claims 31, 37, 43: Wishoff's figure 3 shows a plurality of GUI elements having different shape and size. However Wishoff fails to clearly teach defining the polygon corresponding to external boundary of the graphical image wherein the polygon comprises a non-rectangular irregular shape. However in the same field of invention Ko et al teach the implementation of the polygon having a non-rectangular irregular shape (Ko's 6:55-60, 8:10-11). It would have been obvious to one of skill in the art to combine Ko's teaching of the polygon comprises a non-rectangular irregular shape for graphical enhancement of the GUI appearance. Wishoff's figure 3 further shows the graphical elements with imaginative use of different color, thus partitioning

the graphical image into transparent and visible color would have been obvious in light of Wishoff's teaching (0034).

- As for claims 33, 39, 45: Wishoff fails to clearly teach that at least one of the group consisting of the graphics file and configuration file is updated dynamically by a server computer couple to the computer system. However in the same field of invention Ko et al teach the implementation of dynamically updating at least one of the group consisting of the graphics file and configuration file (Ko's 5:52-64). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ko's teaching of dynamically updating at least a group consisting of the graphics file and configuration file by a server. Motivation is for dynamically updating the files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ba Huynh
AU 2179
4/21/08

/Ba Huynh/

Primary Examiner, Art Unit 2179